

REMARKS

Claims 16-30 were pending in this application. Independent claim 16 has been amended to incorporate the limitations of claim 19. Therefore, claim 19 has been cancelled. Independent claim 25 has been amended to incorporate the limitations of claim 19 in the context of a method. Claims 16-18 and 20-30 have been amended to comport with accepted claim language structure and to address antecedent basis issues. No claims have been added. Accordingly, no new subject matter has been introduced by this amendment. Claims 16-18 and 20-30 remain in this application.

35 U.S.C. §102/§103 Rejections

Claims 16-18 and 25-27 stand rejected under 35 U.S.C. §102(b) for asserted anticipation by WO 97/40624 to Ely (hereinafter “the Ely publication”). Claims 19-24 and 28-30 stand rejected under 35 U.S.C. §103(a) for asserted obviousness based upon the Ely publication in view of U.S. Patent No. 6,611,206 to Eshelman et al. (hereinafter “the Eshelman patent”).

Claim 19, now incorporated into independent claim 16 (and mirrored in amended independent claim 25, requires supplying to the storage means an identification of the operator. The Examiner points to column 11, lines 26-30 of the Eshelman patent as disclosing this limitation. However, this citation relates to an occupant that is observed by the system and not an individual (i.e., operator) controlling the system (e.g., the control means). In the Eshelman patent, the occupant is disclosed as being the person who is observed by the system (*See* column 3, lines 12-22; column 10, lines 20-25). The claims require that the operator is one who operates the control means or the system. The Eshelman patent fails to disclose this limitation. Notwithstanding the foregoing, the Applicant traverses the Examiner’s assertion that it would have been obvious to combine the teachings of the two references. Specifically, the Examiner’s motivation to combine relates to a “combination of data in ways that allow useful patterns to be detected in the manner that a human observer can detect subtle patterns.” Applicant respectfully offers that this motivation has no bearing relating to identification of an operator of the system.

In light of the aforementioned amendments and arguments made with respect to the anticipation rejections under the Eshelman patent, whose underlying anticipation

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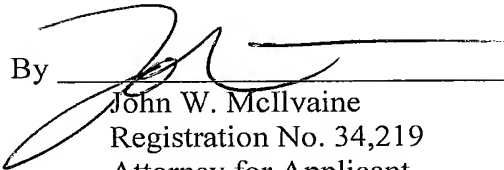
teachings, now refuted, are used for rejecting claim 16 on an obviousness basis in view of the teaching of the Ely publication, Applicant hereby respectfully requests that the Examiner withdraw the overall obviousness rejection of amended independent claim 16. Independent claim 25 substantially mirrors amended independent claim 16 and should be allowable for the same reasons as independent claim 16.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 16-18 and 20-30 are respectfully requested.

Respectfully submitted,

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